

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

GULF SULPHUR SERVICES LTD., LLLP

Plaintiff

VERSUS

M/V ELTANIN, her engines,
boilers, etc. *in rem*, and SIBAMAR SHIP
MANAGEMENT PTE., LTD., and
FSL-13 PTE., LTD., *in personam*

Defendants

* * * * *

CIVIL ACTION

NO.

ADMIRALTY

VERIFIED COMPLAINT

**TO THE HONORABLE, THE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS:**

The Complaint of Gulf Sulphur Services Ltd., LLLP against the M/V ELTANIN, her engines, boilers, etc., *in rem*, and Sibamar Ship Management Pte. Ltd. and FSL-13 Pte., Ltd., *in personam*, in a cause of property loss and damage, civil and maritime, aver upon information and belief, as follows:

1.

Jurisdiction is conferred upon this Court pursuant to the Admiralty and Maritime Jurisdiction of the United States Courts, 28 U.S.C.A. §1333 and Art. III of the United States Constitution.

2.

At all times pertinent hereto, plaintiff Gulf Sulphur Services Ltd., LLLP ("Gulf Sulphur Services") was and now is a corporation organized, created and existing pursuant to the laws of the State of Delaware with its principal place of business in Galveston, Texas, and was the owner of the dock terminal described below.

3.

At all times pertinent hereto, defendant M/V ELTANIN was a general ship engaged in the common carriage of cargo by water for hire, and is now or will be during the pendency of process hereunder within this district and within the jurisdiction of this Honorable Court.

4

At all times pertinent hereto, defendant Sibamar Ship Management Pte. Ltd. ("Sibamar Ship") was and now is a corporation or other legal entity duly organized, created and existing pursuant to the laws of a foreign country with its principal place of business in Singapore, and was and now is the manager and/or operator of the M/V ELTANIN.

5

At all times pertinent hereto, defendant FSL-13 Pte., Ltd. ("FSL-13") was and now is a corporation or other legal entity duly organized, created and existing pursuant to the laws of a foreign country with its principal place of business in Singapore, and was and now is the owner and/or charterer of the M/V ELTANIN.

6

On or about February 23, 2009, in the Port of Galveston, Texas, the M/V ELTANIN approached Gulf Sulphur Services' dock terminal to berth and perform cargo loading operations.

7

Instead of approaching the dock terminal in a safe and prudent manner, the M/V ELTANIN approached hard and fast, and allided with the dock face causing significant damage thereto including but not limited to damage to the dock's bumper system and concrete structure.

8.

The aforescribed damaged sustained to Gulf Sulphur Services' dock terminal was not caused by any act or omission on part of Gulf Sulphur Services but was caused by negligence, gross negligence and/or wilful disregard of defendants M/V ELTANIN, Sibamar Ship and/or FSL-13, and/or by the unseaworthiness of the M/V ELTANIN.

9.

As a result of the aforesaid damage, Gulf Sulphur Services did sustain a loss in the amount of \$100,276.70 (ONE HUNDRED THOUSAND TWO HUNDRED SEVENTY-SIX DOLLARS AND SEVENTY CENTS) plus survey fees and expenses, as nearly as the same can now be estimated, no part of which has been paid, although duly demanded.

10.

This is an Admiralty and Maritime claim within the meaning of Rule 9(h) of the Federal

Rules of Civil Procedure for the United States District Courts.

11.

All and singular the matters aforesaid are true and correct.

Gulf Sulphur Services reserves the right to make additional allegations of negligence and/or fault during the course of pending litigation as more facts become available.

WHEREFORE, Gulf Sulphur Services Ltd., LLLP prays that:

1. Defendants M/V ELTANIN, Sibamar Ship Management Pte. Ltd. and FSL-13 Pte. Ltd. be served with copies of this Verified Complaint, together with summonses to appear and answer under oath all and singular the matters aforesaid;
2. The Court, order, adjudge and decree that the defendants M/V ELTANIN, Sibamar Ship Management Pte. Ltd. and FSL-13 Pte. Ltd. pay to plaintiff the losses sustained by it, together with interest thereon and its costs and disbursements; and
3. Gulf Sulphur Services Ltd., LLLP has such other and further relief in the premises as in law and justice it may be entitled to receive.

Respectfully submitted,

**MONTGOMERY, BARNETT, BROWN,
READ, HAMMOND & MINTZ, LLP**

/s/ Philip S. Brooks, Jr.

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SERVICE BY WAIVER:

M/V ELTANIN
(Hold Summons)

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